

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEON RUSH,
(TDCJ-CID #1552652)

Petitioner,

vs.

WILLIAM STEPHENS,
Director TDCJ-ID,

Respondent.

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CIVIL ACTION H-14-3374

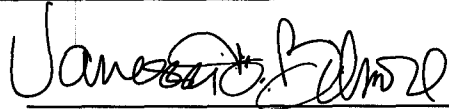
MEMORANDUM ON DISMISSAL

The petitioner has not responded to the Respondent's Motion for Summary Judgment. (Docket Entry No. 22). The court's order to answer entered January 22, 2014, required the petitioner to respond to any dispositive motion filed by the respondent within thirty days. (Docket Entry No. 11).

The petitioner's failure to pursue this action forces this court to conclude that he lacks due diligence. Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE, FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2002). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b).

This action is DISMISSED without prejudice for want of prosecution. Respondent's Motion for Summary Judgment, (Docket Entry No. 22), is DENIED as moot.

SIGNED at Houston, Texas, on August 4, 2015.

A handwritten signature in black ink, appearing to read "Vanessa D. Gilmore", written over a horizontal line.

VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE